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H. R. 3994

[Report No. 107-420]

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2002

Mr. HYDE (for himself, Mr. LANTOS, Mr. GILMAN, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on International Relations

APRIL 25, 2002

Additional sponsors: Mr. MENENDEZ, Mr. HOEFFEL, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, Mr. PAYNE, and Mr. ROHRABACHER

APRIL 25, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 19, 2002]

A BILL

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**
 4 **TION.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the “Af-*
 6 *ghanistan Freedom Support Act of 2002”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents; definition.

**TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE
FOR AFGHANISTAN**

Sec. 101. Declaration of policy.

Sec. 102. Purposes of assistance.

Sec. 103. Principles of assistance.

Sec. 104. Authorization of assistance.

Sec. 105. Promoting cooperation in major opium producing regions of Afghani-
stan.

Sec. 106. Coordination of assistance.

Sec. 107. Administrative provisions.

Sec. 108. Authorization of appropriations.

**TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN
OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS**

Sec. 201. Support for security during transition in Afghanistan.

Sec. 202. Authorization of assistance.

Sec. 203. Eligible foreign countries and eligible international organizations.

Sec. 204. Reimbursement for assistance.

Sec. 205. Authority to provide assistance.

Sec. 206. Sunset.

9 (c) *DEFINITION.*—*In this Act, the term “Government*
 10 *of Afghanistan” includes the government of any political*
 11 *subdivision of Afghanistan, and any agency or instrumen-*
 12 *tality of the Government of Afghanistan.*

1 ***TITLE I—ECONOMIC AND DEMO-***
2 ***CRATIC DEVELOPMENT AS-***
3 ***SISTANCE FOR AFGHANISTAN***

4 ***SEC. 101. DECLARATION OF POLICY.***

5 *Congress makes the following declarations:*

6 *(1) The United States and the international*
7 *community should support efforts that advance the*
8 *development of democratic civil authorities and insti-*
9 *tutions in Afghanistan and the establishment of a*
10 *new broad-based, multi-ethnic, gender-sensitive, and*
11 *fully representative government in Afghanistan.*

12 *(2) The United States, in particular, should pro-*
13 *vide its expertise to meet immediate humanitarian*
14 *and refugee needs, fight the production and flow of il-*
15 *licit narcotics, and aid in the reconstruction of Af-*
16 *ghanistan's agriculture, health care, and educational*
17 *systems.*

18 *(3) By promoting peace and security in Afghani-*
19 *stan and preventing a return to conflict, the United*
20 *States and the international community can help en-*
21 *sure that Afghanistan does not again become a source*
22 *for international terrorism.*

23 *(4) The United States should support the objec-*
24 *tives agreed to on December 5, 2001, in Bonn, Ger-*
25 *many, regarding the provisional arrangement for Af-*

1 *ghanistan as it moves toward the establishment of*
2 *permanent institutions and, in particular, should*
3 *work intensively toward ensuring the future neu-*
4 *trality of Afghanistan, establishing the principle that*
5 *neighboring countries and other countries in the re-*
6 *gion do not threaten or interfere in one another's sov-*
7 *ereignty, territorial integrity, or political independ-*
8 *ence, including supporting diplomatic initiatives to*
9 *support this goal.*

10 *(5) The special emergency situation in Afghani-*
11 *stan, which from the perspective of the American peo-*
12 *ple combines security, humanitarian, political, law*
13 *enforcement, and development imperatives, requires*
14 *that the President should receive maximum flexibility*
15 *in designing, coordinating, and administering efforts*
16 *with respect to assistance for Afghanistan and that a*
17 *temporary special program of such assistance should*
18 *be established for this purpose.*

19 *(6) To foster stability and democratization and*
20 *to effectively eliminate the causes of terrorism, the*
21 *United States and the international community*
22 *should also support efforts that advance the develop-*
23 *ment of democratic civil authorities and institutions*
24 *in the broader Central Asia region.*

1 **SEC. 102. PURPOSES OF ASSISTANCE.**

2 *The purposes of assistance authorized by this title*
3 *are—*

4 *(1) to help assure the security of the United*
5 *States and the world by reducing or eliminating the*
6 *likelihood of violence against United States or allied*
7 *forces in Afghanistan and to reduce the chance that*
8 *Afghanistan will again be a source of international*
9 *terrorism;*

10 *(2) to support the continued efforts of the United*
11 *States and the international community to address*
12 *the humanitarian crisis in Afghanistan and among*
13 *Afghan refugees in neighboring countries;*

14 *(3) to fight the production and flow of illicit*
15 *narcotics, to control the flow of precursor chemicals*
16 *used in the production of heroin, and to enhance and*
17 *bolster the capacities of Afghan governmental authori-*
18 *ties to control poppy cultivation and related activi-*
19 *ties;*

20 *(4) to help achieve a broad-based, multi-ethnic,*
21 *gender-sensitive, and fully representative government*
22 *in Afghanistan that is freely chosen by the people of*
23 *Afghanistan and that respects the human rights of all*
24 *Afghans, particularly women, including authorizing*
25 *assistance for the rehabilitation and reconstruction of*
26 *Afghanistan with a particular emphasis on meeting*

1 *the educational, health, and sustenance needs of*
2 *women and children to better enable their full partici-*
3 *pation in Afghan society;*

4 *(5) to support the Government of Afghanistan in*
5 *its development of the capacity to facilitate, organize,*
6 *develop, and implement projects and activities that*
7 *meet the needs of the Afghan people;*

8 *(6) to foster the participation of civil society in*
9 *the establishment of the new Afghan government in*
10 *order to achieve a broad-based, multiethnic, gender-*
11 *sensitive, fully representative government freely cho-*
12 *sen by the Afghan people, without prejudice to any*
13 *decisions which may be freely taken by the Afghan*
14 *people about the precise form in which their govern-*
15 *ment is to be organized in the future, as may be de-*
16 *cided through the convening of a traditional Afghan*
17 *assembly or “Loya Jirga” as agreed to on December*
18 *5, 2001, in Bonn, Germany;*

19 *(7) to support the reconstruction of Afghanistan*
20 *through, among other things, programs that create*
21 *jobs, facilitate clearance of landmines, and rebuild the*
22 *agriculture sector, the health care system, and the*
23 *educational system of Afghanistan; and*

24 *(8) to include specific resources to the Ministry*
25 *for Women’s Affairs of Afghanistan to carry out its*

1 responsibilities for legal advocacy, education, voca-
2 tional training, and women's health programs.

3 **SEC. 103. PRINCIPLES OF ASSISTANCE.**

4 *The following principles should guide the provision of*
5 *assistance authorized by this title:*

6 (1) *TERRORISM AND NARCOTICS CONTROL.*—As-
7 sistance should be designed to reduce the likelihood of
8 harm to United States and other allied forces in Af-
9 ghanistan and the region, the likelihood of additional
10 acts of international terrorism emanating from Af-
11 ghanistan, and the cultivation, production, traf-
12 ficking, and use of illicit narcotics in Afghanistan.

13 (2) *ROLE OF WOMEN.*—Assistance should in-
14 crease the participation of women at the national, re-
15 gional, and local levels in Afghanistan, wherever fea-
16 sible, by enhancing the role of women in decision-
17 making processes, as well as by providing support for
18 programs that aim to expand economic and edu-
19 cational opportunities and health programs for
20 women and educational and health programs for
21 girls.

22 (3) *AFGHAN OWNERSHIP.*—Assistance should
23 build upon Afghan traditions and practices. The
24 strong tradition of community responsibility and self-
25 reliance in Afghanistan should be built upon to in-

1 crease the capacity of the Afghan people and institu-
2 tions to participate in the reconstruction of Afghani-
3 stan.

4 (4) *STABILITY*.—Assistance should encourage the
5 restoration of security in Afghanistan, including,
6 among other things, the disarmament, demobilization,
7 and reintegration of combatants, and the establish-
8 ment of the rule of law, including the establishment
9 of a police force and an effective, independent judici-
10 ary.

11 (5) *COORDINATION*.—Assistance should be part of
12 a larger donor effort for Afghanistan. The magnitude
13 of the devastation—natural and man-made—to insti-
14 tutions and infrastructure make it imperative that
15 there be close coordination and collaboration among
16 donors. The United States should endeavor to assert
17 its leadership to have the efforts of international do-
18 nors help achieve the purposes established by this title.

19 **SEC. 104. AUTHORIZATION OF ASSISTANCE.**

20 (a) *IN GENERAL*.—The President is authorized to pro-
21 vide assistance for Afghanistan for the following activities:

22 (1) *URGENT HUMANITARIAN NEEDS*.—To assist
23 in meeting the urgent humanitarian needs of the peo-
24 ple of Afghanistan, including assistance such as—

1 (A) emergency food, shelter, and medical as-
2 sistance;

3 (B) clean drinking water and sanitation;

4 (C) preventative health care, including
5 childhood vaccination, therapeutic feeding, ma-
6 ternal child health services, and infectious dis-
7 eases surveillance and treatment;

8 (D) family tracing and reunification serv-
9 ices; and

10 (E) clearance of landmines.

11 (2) *REPATRIATION AND RESETTLEMENT OF REF-*
12 *UGEES AND INTERNALLY DISPLACED PERSONS.—To*
13 *assist refugees and internally displaced persons as*
14 *they return to their home communities in Afghani-*
15 *stan and to support their reintegration into those*
16 *communities, including assistance such as—*

17 (A) assistance identified in paragraph (1);

18 (B) assistance to communities, including
19 those in neighboring countries, that have taken
20 in large numbers of refugees in order to rehabili-
21 tate or expand social, health, and educational
22 services that may have suffered as a result of the
23 influx of large numbers of refugees;

24 (C) assistance to international organiza-
25 tions and host governments in maintaining secu-

1 *rity by screening refugees to ensure the exclusion*
2 *of armed combatants, members of foreign ter-*
3 *rorist organizations, and other individuals not*
4 *eligible for economic assistance from the United*
5 *States; and*

6 *(D) assistance for voluntary refugee repatri-*
7 *ation and reintegration inside Afghanistan and*
8 *continued assistance to those refugees who are*
9 *unable or unwilling to return.*

10 *(3) COUNTERNARCOTICS EFFORTS.—(A) To as-*
11 *sist in the eradication of poppy cultivation, the dis-*
12 *ruption of heroin production, and the reduction of the*
13 *overall supply and demand for illicit narcotics in Af-*
14 *ghanistan and the region, with particular emphasis*
15 *on assistance to—*

16 *(i) eradicate opium poppy, establish crop*
17 *substitution programs, purchase nonopium prod-*
18 *ucts from farmers in opium-growing areas,*
19 *quick-impact public works programs to divert*
20 *labor from narcotics production, develop projects*
21 *directed specifically at narcotics production,*
22 *processing, or trafficking areas to provide incen-*
23 *tives to cooperation in narcotics suppression ac-*
24 *tivities, and related programs;*

1 (ii) establish or provide assistance to one or
2 more entities within the Government of Afghani-
3 stan, including the Afghan State High Commis-
4 sion for Drug Control, and to provide training
5 and equipment for the entities, to help enforce
6 counternarcotics laws in Afghanistan and limit
7 illicit narcotics growth, production, and traf-
8 ficking in Afghanistan;

9 (iii) train and provide equipment for cus-
10 toms, police, and other border control entities in
11 Afghanistan and the region relating to illicit
12 narcotics interdiction and relating to precursor
13 chemical controls and interdiction to help dis-
14 rupt heroin production in Afghanistan and the
15 region;

16 (iv) continue the annual opium crop survey
17 and strategic studies on opium crop planting
18 and farming in Afghanistan; and

19 (v) reduce demand for illicit narcotics
20 among the people of Afghanistan, including refu-
21 gees returning to Afghanistan.

22 (B) For each of the fiscal years 2002 through
23 2005, not less than \$15,000,000 of the amount made
24 available to carry out this title should be made avail-
25 able for a contribution to the United Nations Drug

1 *Control Program for the purpose of carrying out ac-*
2 *tivities described in clauses (i) through (v) of sub-*
3 *paragraph (A). Amounts made available under the*
4 *preceding sentence are in addition to amounts other-*
5 *wise available for such purposes.*

6 *(4) REESTABLISHMENT OF FOOD SECURITY, RE-*
7 *HABILITATION OF THE AGRICULTURE SECTOR, IM-*
8 *PROVEMENT IN HEALTH CONDITIONS, AND THE RE-*
9 *CONSTRUCTION OF BASIC INFRASTRUCTURE.—To as-*
10 *sist in expanding access to markets in Afghanistan,*
11 *to increase the availability of food in markets in Af-*
12 *ghanistan, to rehabilitate the agriculture sector in Af-*
13 *ghanistan by creating jobs for former combatants, re-*
14 *turning refugees, and internally displaced persons, to*
15 *improve health conditions, and assist in the rebuild-*
16 *ing of basic infrastructure in Afghanistan, including*
17 *assistance such as—*

18 *(A) rehabilitation of the agricultural infra-*
19 *structure, including irrigation systems and rural*
20 *roads;*

21 *(B) extension of credit;*

22 *(C) provision of critical agricultural inputs,*
23 *such as seeds, tools, and fertilizer, and strength-*
24 *ening of seed multiplication, certification, and*
25 *distribution systems;*

1 (D) improvement in the quantity and qual-
2 ity of water available through, among other
3 things, rehabilitation of existing irrigation sys-
4 tems and the development of local capacity to
5 manage irrigation systems;

6 (E) livestock rehabilitation through market
7 development and other mechanisms to distribute
8 stocks to replace those stocks lost as a result of
9 conflict or drought;

10 (F) mine awareness and demining pro-
11 grams and programs to assist mine victims, war
12 orphans, and widows;

13 (G) programs relating to infant and young
14 child feeding, immunizations, vitamin A sup-
15 plementation, and prevention and treatment of
16 diarrheal diseases and respiratory infections;

17 (H) programs to improve maternal and
18 child health and reduce maternal and child mor-
19 tality;

20 (I) programs to improve hygienic and sani-
21 tation practices and for the prevention and
22 treatment of infectious diseases, such as tuber-
23 culosis and malaria;

24 (J) programs to reconstitute the delivery of
25 health care, including the reconstruction of

1 *health clinics or other basic health infrastruc-*
2 *ture; and*

3 *(K) disarmament, demobilization, and re-*
4 *integration of armed combatants into society,*
5 *particularly child soldiers.*

6 *(5) REESTABLISHMENT OF AFGHANISTAN AS A*
7 *VIALE NATION-STATE.—(A) To assist in the develop-*
8 *ment of the capacity of the Government of Afghani-*
9 *stan to meet the needs of the people of Afghanistan*
10 *through, among other things, support for the develop-*
11 *ment and expansion of democratic and market-based*
12 *institutions, including assistance such as—*

13 *(i) support for international organizations*
14 *that provide civil advisers to the Government of*
15 *Afghanistan;*

16 *(ii) support for an educated citizenry*
17 *through improved access to basic education;*

18 *(iii) programs to enable the Government of*
19 *Afghanistan to recruit and train teachers, with*
20 *special focus on the recruitment and training of*
21 *female teachers;*

22 *(iv) programs to enable the Government of*
23 *Afghanistan to develop school curriculum that*
24 *incorporates relevant information such as land-*
25 *mine awareness, food security and agricultural*

1 *education, human rights awareness, and civic*
2 *education;*

3 *(v) support for the activities of the Govern-*
4 *ment of Afghanistan to draft a new constitution,*
5 *other legal frameworks, and other initiatives to*
6 *promote the rule of law in Afghanistan;*

7 *(vi) support to increase the transparency,*
8 *accountability, and participatory nature of gov-*
9 *ernmental institutions, including programs de-*
10 *signed to combat corruption and other programs*
11 *for the promotion of good governance;*

12 *(vii) support for an independent media;*

13 *(viii) programs that support the expanded*
14 *participation of women and members of all eth-*
15 *nic groups in government at national, regional,*
16 *and local levels;*

17 *(ix) programs to strengthen civil society or-*
18 *ganizations that promote human rights and sup-*
19 *port human rights monitoring;*

20 *(x) support for national, regional, and local*
21 *elections and political party development; and*

22 *(xi) support for the effective administration*
23 *of justice at the national, regional, and local lev-*
24 *els, including the establishment of a responsible*
25 *and community-based police force.*

1 (B) For each of the fiscal years 2002 through
2 2005, not less than \$10,000,000 of the amount made
3 available to carry out this title should be made avail-
4 able for the purposes of carrying out a traditional Af-
5 ghan assembly or “Loya Jirga” and for support for
6 national, regional, and local elections and political
7 party development under subparagraph (A)(x).

8 (6) MARKET ECONOMY.—To support the estab-
9 lishment of a market economy, the establishment of
10 private financial institutions, the adoption of policies
11 to promote foreign direct investment, the development
12 of a basic telecommunication infrastructure, and the
13 development of trade and other commercial links with
14 countries in the region and with the United States,
15 including policies to—

16 (A) encourage the return of Afghanistan
17 citizens or nationals living abroad who have
18 marketable and business-related skills;

19 (B) establish financial institutions, includ-
20 ing credit unions, cooperatives, and other entities
21 providing microenterprise credits and other in-
22 come-generation programs for the poor, with
23 particular emphasis on women;

24 (C) facilitate expanded trade with countries
25 in the region;

1 (D) promote and foster respect for basic
2 workers' rights and protections against exploi-
3 tation of child labor;

4 (E) develop handicraft and other small-scale
5 industries; and

6 (F) provide financing programs for the re-
7 construction of Kabul and other major cities in
8 Afghanistan.

9 (b) LIMITATION.—

10 (1) IN GENERAL.—Amounts made available to
11 carry out this title (except amounts made available
12 for assistance under paragraphs (1) through (3) and
13 subparagraphs (F) through (I) of paragraph (4) of
14 subsection (a)) may be provided only if—

15 (A) with respect to assistance for fiscal year
16 2003, the President first determines and certifies
17 to Congress that a traditional Afghan assembly
18 or “Loya Jirga” has been convened and has de-
19 cided on a broad-based, multiethnic, gender-sen-
20 sitive, fully representative transitional authority
21 for Afghanistan; and

22 (B) with respect to assistance for fiscal
23 years 2004 and 2005, the President first deter-
24 mines and certifies to Congress with respect to
25 the fiscal year involved that substantial progress

1 *has been made toward adopting a constitution*
2 *and establishing a democratically elected govern-*
3 *ment for Afghanistan.*

4 (2) *WAIVER.—*

5 (A) *IN GENERAL.—The President may*
6 *waive the application of subparagraph (A) or*
7 *(B) of paragraph (1) if the President first deter-*
8 *mines and certifies to Congress that it is in the*
9 *vital national interest of the United States to do*
10 *so.*

11 (B) *CONTENTS OF CERTIFICATION.—A cer-*
12 *tification transmitted to Congress under sub-*
13 *paragraph (A) shall include—*

14 (i) *a full and complete description of*
15 *the vital national interest of the United*
16 *States that is placed at risk by reason the*
17 *application of subparagraph (A) or (B) of*
18 *paragraph (1), as the case may be; and*

19 (ii) *an analysis of the risk described in*
20 *clause (i) versus the risk to the vital na-*
21 *tional interest of the United States by rea-*
22 *son of the failure to exercise the waiver au-*
23 *thority of subparagraph (A).*

1 **SEC. 105. PROMOTING COOPERATION IN MAJOR OPIUM**
2 **PRODUCING REGIONS OF AFGHANISTAN.**

3 (a) *IN GENERAL.*—*Except as provided in subsection*
4 *(b), a portion of the amount made available to carry out*
5 *this title for a fiscal year shall be available for assistance*
6 *in the major opium producing regions of Afghanistan, in-*
7 *cluding areas within the Badakshan, Helmand, and*
8 *Qandahar provinces with the goal of assisting in the elimi-*
9 *nation of poppy cultivation. Assistance under the preceding*
10 *sentence shall be provided in coordination with the Govern-*
11 *ment of Afghanistan, in consultation with the local leaders*
12 *of such regions, and in coordination with the counter-nar-*
13 *cotics efforts of other donors, particularly the United Na-*
14 *tions Drug Control Program (UNDCP), and the European*
15 *Union and its member states.*

16 (b) *LIMITATION.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2),*
18 *amounts made available to carry out this title for a*
19 *fiscal year (except amounts made available for assist-*
20 *ance under paragraphs (1) through (3) and subpara-*
21 *graphs (F) through (I) of paragraph (4) of section*
22 *104(a)) may not be provided to an opium producing*
23 *region if, with respect to such region, the Government*
24 *of Afghanistan does not actively, effectively, and vig-*
25 *orously participate in illicit narcotics suppression ac-*
26 *tivities or if, beginning on September 30, 2003,*

1 *opium is produced (other than in a de minimis*
2 *amount, as measured by surveys conducted by the*
3 *United States Government, the United Nations Drug*
4 *Control Program, or other reliable sources) in such re-*
5 *gion. Amounts withheld from an opium producing re-*
6 *gion by reason of the application of the preceding sen-*
7 *tence shall be redistributed to qualifying opium pro-*
8 *ducing regions.*

9 (2) *WAIVER.—*

10 (A) *IN GENERAL.—The President may*
11 *waive the restriction on assistance under the first*
12 *sentence of paragraph (1) with respect to an*
13 *opium producing region if the President first de-*
14 *termines and certifies to Congress that it is in*
15 *the vital national interest of the United States to*
16 *do so.*

17 (B) *CONTENTS OF CERTIFICATION.—A cer-*
18 *tification transmitted to Congress under sub-*
19 *paragraph (A) shall include—*

20 (i) *a full and complete description of*
21 *the vital national interest of the United*
22 *States that is placed at risk if assistance to*
23 *the opium producing region involved is not*
24 *provided under this section; and*

1 (ii) an analysis of the risk described in
2 clause (i) versus the risk to the vital na-
3 tional interest of the United States by rea-
4 son of the failure to exercise the waiver au-
5 thority of subparagraph (A).

6 (c) *ADDITIONAL REQUIREMENT.*—The coordinator des-
7 ignated by the President pursuant to section 106(a) and
8 other appropriate officers of the Department of State and
9 the United States Agency for International Development
10 shall ensure that assistance under this title is provided, in
11 appropriate amounts, to opium producing regions of Af-
12 ghanistan consistent with the requirements of subsections
13 (a) and (b).

14 **SEC. 106. COORDINATION OF ASSISTANCE.**

15 (a) *DESIGNATION OF COORDINATOR.*—The President is
16 strongly urged to designate, within the Department of State,
17 a coordinator who shall be responsible for—

18 (1) designing an overall strategy to advance
19 United States interests in Afghanistan;

20 (2) ensuring program and policy coordination
21 among agencies of the United States Government in
22 carrying out the policies set forth in this title;

23 (3) pursuing coordination with other countries
24 and international organizations with respect to as-
25 sistance to Afghanistan;

1 (4) *ensuring that United States assistance pro-*
 2 *grams for Afghanistan are consistent with this title;*

3 (5) *ensuring proper management, implementa-*
 4 *tion, and oversight by agencies responsible for assist-*
 5 *ance programs for Afghanistan; and*

6 (6) *resolving policy and program disputes*
 7 *among United States Government agencies with re-*
 8 *spect to United States assistance for Afghanistan.*

9 (b) *ADDITIONAL REQUIREMENT.—An individual des-*
 10 *ignated by the President as coordinator pursuant to sub-*
 11 *section (a) may only be an individual who is appointed*
 12 *by the President by and with the advice and consent of the*
 13 *Senate.*

14 **SEC. 107. ADMINISTRATIVE PROVISIONS.**

15 (a) *APPLICABLE ADMINISTRATIVE AUTHORITIES.—*
 16 *Except to the extent inconsistent with the provisions of this*
 17 *title, the administrative authorities under chapters 1 and*
 18 *2 of part III of the Foreign Assistance Act of 1961 shall*
 19 *apply to the provision of assistance under this title to the*
 20 *same extent and in the same manner as such authorities*
 21 *apply to the provision of economic assistance under part*
 22 *I of such Act.*

23 (b) *USE OF THE EXPERTISE OF AFGHAN-AMERI-*
 24 *CANS.—In providing assistance authorized by this title, the*
 25 *President should—*

1 (1) *maximize the use, to the extent feasible, of the*
2 *services of Afghan-Americans who have expertise in*
3 *the areas for which assistance is authorized by this*
4 *title; and*

5 (2) *in the awarding of contracts and grants to*
6 *implement activities authorized under this title, en-*
7 *courage the participation of such Afghan-Americans*
8 *(including organizations employing a significant*
9 *number of such Afghan-Americans).*

10 (c) *ADMINISTRATIVE EXPENSES.—Not more than 5*
11 *percent of the amount made available to a Federal depart-*
12 *ment or agency to carry out this title for a fiscal year may*
13 *be used by the department or agency for administrative ex-*
14 *penses in connection with such assistance.*

15 (d) *MONITORING.—*

16 (1) *COMPTROLLER GENERAL.—The Comptroller*
17 *General shall monitor the provision of assistance*
18 *under this title.*

19 (2) *INSPECTOR GENERAL OF USAID.—*

20 (A) *IN GENERAL.—The Inspector General of*
21 *the United States Agency for International De-*
22 *velopment shall conduct audits, inspections, and*
23 *other activities, as appropriate, associated with*
24 *the expenditure of the funds to carry out this*
25 *title.*

1 (B) *FUNDING.*—*Not more than \$1,500,000*
 2 *of the amount made available to carry out this*
 3 *title for a fiscal year shall be made available to*
 4 *carry out subparagraph (A).*

5 (e) *CONGRESSIONAL NOTIFICATION PROCEDURES.*—
 6 *Funds made available to carry out this title may not be*
 7 *obligated until 15 days after notification of the proposed*
 8 *obligation of the funds has been provided to the congres-*
 9 *sional committees specified in section 634A of the Foreign*
 10 *Assistance Act of 1961 in accordance with the procedures*
 11 *applicable to reprogramming notifications under that sec-*
 12 *tion.*

13 (f) *AUTHORITY TO PROVIDE ASSISTANCE.*—*Assistance*
 14 *under this title may be provided notwithstanding any other*
 15 *provision of law.*

16 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) *IN GENERAL.*—*There are authorized to be appro-*
 18 *priated to the President to carry out this title \$200,000,000*
 19 *for fiscal year 2002, \$300,000,000 for each of the fiscal*
 20 *years 2003 and 2004, and \$250,000,000 for fiscal year*
 21 *2005. Amounts authorized to be appropriated pursuant to*
 22 *the preceding sentence for fiscal year 2002 are in addition*
 23 *to amounts otherwise available for assistance for Afghani-*
 24 *stan.*

1 (b) *AVAILABILITY.*—Amounts appropriated pursuant
2 to the authorization of appropriations under subsection (a)
3 are—

4 (1) *authorized to remain available until ex-*
5 *pended; and*

6 (2) *in addition to funds otherwise available for*
7 *such purposes, including, with respect to food assist-*
8 *ance under section 104(a)(1), funds available under*
9 *title II of the Agricultural Trade Development and*
10 *Assistance Act of 1954, the Food for Progress Act of*
11 *1985, and section 416(b) of the Agricultural Act of*
12 *1949.*

13 ***TITLE II—MILITARY ASSISTANCE***
14 ***FOR AFGHANISTAN AND CER-***
15 ***TAIN OTHER FOREIGN COUN-***
16 ***TRIES AND INTERNATIONAL***
17 ***ORGANIZATIONS***

18 ***SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN***
19 ***AFGHANISTAN.***

20 *It is the sense of Congress that, during the transition*
21 *to a broad-based, multi-ethnic, gender-sensitive, fully rep-*
22 *resentative government in Afghanistan, the United States*
23 *should support—*

1 (1) *the development of a civilian-controlled and*
2 *centrally-governed standing Afghanistan army that*
3 *respects human rights;*

4 (2) *the creation and training of a professional*
5 *civilian police force that respects human rights; and*

6 (3) *a multinational security force in Afghani-*
7 *stan.*

8 **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

9 (a) *TYPES OF ASSISTANCE.—*

10 (1) *IN GENERAL.—(A) To the extent that funds*
11 *are appropriated in any fiscal year for the purposes*
12 *of this Act, the President may provide, on such terms*
13 *and conditions as he may determine, defense articles,*
14 *defense services, counter-narcotics, crime control and*
15 *police training services, and other support (including*
16 *training) to the Government of Afghanistan.*

17 (B) *To the extent that funds are appropriated in*
18 *any fiscal year for these purposes, the President may*
19 *provide, on such terms and conditions as he may de-*
20 *termine, defense articles, defense services, and other*
21 *support (including training) to eligible foreign coun-*
22 *tries and eligible international organizations.*

23 (C) *The assistance authorized under subpara-*
24 *graph (B) shall be used for directly supporting the ac-*
25 *tivities described in section 203.*

1 (2) *DRAWDOWN AUTHORITY.*—*The President is*
 2 *authorized to direct the drawdown of defense articles,*
 3 *defense services, and military education and training*
 4 *for the Government of Afghanistan, eligible foreign*
 5 *countries, and eligible international organizations.*

6 (3) *AUTHORITY TO ACQUIRE BY CONTRACT OR*
 7 *OTHERWISE.*—*The assistance authorized under para-*
 8 *graphs (1) and (2) and under Public Law 105–338*
 9 *may include the supply of defense articles, defense*
 10 *services, counter-narcotics, crime control and police*
 11 *training services, other support, and military edu-*
 12 *cation and training that are acquired by contract or*
 13 *otherwise.*

14 (b) *AMOUNT OF ASSISTANCE.*—*The aggregate value (as*
 15 *defined in section 644(m) of the Foreign Assistance Act of*
 16 *1961) of assistance provided under subsection (a)(2) may*
 17 *not exceed \$300,000,000, provided that such limitation shall*
 18 *be increased by any amounts appropriated pursuant to the*
 19 *authorization of appropriations in section 204(b)(1).*

20 **SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE**
 21 **INTERNATIONAL ORGANIZATIONS.**

22 *A foreign country or international organization shall*
 23 *be eligible to receive assistance under section 202 if such*
 24 *foreign country or international organization is partici-*
 25 *pating in or directly supporting United States military ac-*

1 *tivities authorized under Public Law 107–40 or is partici-*
 2 *pating in military, peacekeeping, or policing operations in*
 3 *Afghanistan aimed at restoring or maintaining peace and*
 4 *security in that country, except that no country the govern-*
 5 *ment of which has been determined by the Secretary of State*
 6 *to have repeatedly provided support for acts of inter-*
 7 *national terrorism under section 620A of the Foreign As-*
 8 *sistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of*
 9 *the Export Administration Act of 1979 (50 U.S.C. App.*
 10 *2405(j)(1)), or section 40(d) of the Arms Export Control*
 11 *Act (22 U.S.C. 2780(d)) shall be eligible to receive assist-*
 12 *ance under section 202.*

13 **SEC. 204. REIMBURSEMENT FOR ASSISTANCE.**

14 (a) *IN GENERAL.*—*Defense articles, defense services,*
 15 *and military education and training provided under sec-*
 16 *tion 202(a)(2) shall be made available without reimburse-*
 17 *ment to the Department of Defense except to the extent that*
 18 *funds are appropriated pursuant to the authorization of ap-*
 19 *propriations under subsection (b)(1).*

20 (b) *AUTHORIZATION OF APPROPRIATIONS.*—

21 (1) *IN GENERAL.*—*There are authorized to be ap-*
 22 *propriated to the President such sums as may be nec-*
 23 *essary to reimburse the applicable appropriation,*
 24 *fund, or account for the value (as defined in section*
 25 *644(m) of the Foreign Assistance Act of 1961) of de-*

1 *fense articles, defense services, or military education*
 2 *and training provided under section 202(a)(2).*

3 (2) *AVAILABILITY.—Amounts appropriated pur-*
 4 *suant to the authorization of appropriations under*
 5 *paragraph (1) are authorized to remain available*
 6 *until expended, and are in addition to amounts other-*
 7 *wise available for the purposes described in this title.*

8 **SEC. 205. AUTHORITY TO PROVIDE ASSISTANCE.**

9 (a) *GOVERNMENT OF AFGHANISTAN.—Assistance to*
 10 *the Government of Afghanistan under this title may be pro-*
 11 *vided notwithstanding any other provision of law.*

12 (b) *ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE*
 13 *INTERNATIONAL ORGANIZATIONS.—*

14 (1) *AUTHORITY.—The President may provide as-*
 15 *sistance under this title to any eligible foreign coun-*
 16 *try or eligible international organization notwith-*
 17 *standing any other provision of law (other than pro-*
 18 *visions of this title) if the President determines that*
 19 *such assistance is important to the national security*
 20 *interest of the United States and notifies the Com-*
 21 *mittee on International Relations of the House of*
 22 *Representatives and the Committee on Foreign Rela-*
 23 *tions of the Senate of such determination at least 15*
 24 *days in advance of providing such assistance.*

1 (2) *NOTIFICATION.*—*The report described in*
2 *paragraph (1) shall include information relating to*
3 *the type and amount of assistance proposed to be pro-*
4 *vided and the actions that the proposed recipient of*
5 *such assistance has taken or has committed to take.*

6 ***SEC. 206. SUNSET.***

7 *The authority of this title shall expire on December*
8 *31, 2004.*

Union Calendar No. 250

107TH CONGRESS
2^D SESSION

H. R. 3994

[Report No. 107-420]

A BILL

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

APRIL 25, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed